



PATENT APPLICATION

In the United States Patent and Trademark Office

Applicant: Osthues, et al.

Docket No.: 10016.519

Date: July 2, 2009

Application No.: 10/565,061

Filed: January 17, 2006

Art Unit: 3644

Examiner: M. Williams

For: COWSHED ARRANGEMENT AND COWSHED UNIT FOR HOUSING  
DAIRY CATTLE

**Certificate of Mailing**

I hereby certify that this  
correspondence is being deposited with  
the United States Postal Service as  
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to: Mail Stop Amendment,  
Commissioner for Patents,  
P.O. Box 1450

Alexandria, VA 22313-1450

On July 2, 2009

Signature

Jeffrey W. Smith, Reg. No. 33455

Name of Applicant, assignee or  
Registered Representative

**RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT  
(37 C.F.R. §1.121)**

Mail Stop Amendment  
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Alexandria, VA 22313-1450

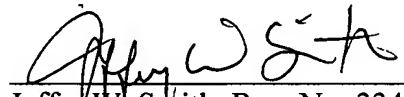
Dear Sir:

In response to a June 2, 2009 Notice of Non-Compliant Amendment for the above-referenced application (copy attached), Applicants submit herewith is a revised preliminary amendment renumbering the new claims 33 to 68. It is believed that no additional fees are due for the submission of the new claims because they were paid for in the April 10, 2008 filing.

Applicant: Osthues, et al.  
Application No.: 10/565,061

If the examiner has any questions regarding the revised preliminary amendment, please contact the undersigned below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jeffry W. Smith", is written over a horizontal line.

Jeffry W. Smith, Reg. No. 33455  
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Application No.: 10/565,061 	Date Mailed: 06/02/2009
First Named Inventor: Osthues, Uwe,	Examiner: WILLIAMS, MONICA L
Attorney Docket No.: 10016.519	Art Unit: 3644
Confirmation No.: 3692	Filing Date: 07/18/2006

Please find attached an Office communication concerning this application or proceeding.

ACTION: Response to Non-  
DUE DATE: 7/2/09 Compl.  
ENTERED: 6/5/09 Audit  
BY: alm

Commissioner for Patents

<b>Notice of Non-Compliant Amendment</b> <b>(37 CFR 1.121)</b>	Application No. 10/565,061	Applicant(s) OSTHUES ET AL.	
		Art Unit 3600	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 10 April, 2008 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
  - ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other \_\_\_\_\_.
- ☐ 2. Abstract:
  - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_.
- ☐ 3. Amendments to the drawings:
  - ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
  - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
  - ☐ C. Other \_\_\_\_\_.
- ☒ 4. Amendments to the claims:
  - ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☒ E. Other: Claims cancelled in 01/17/06 amendment can not be resumed.
- ☒ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4): For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

**TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:**

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance, or a drawing submission (only). If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a Quayle action. If any of above boxes 1 to 4 are checked, the correction required is only the corrected section of the non-compliant amendment in compliance with 37 CFR 1.121.

**Extensions of time** are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action.

**Failure to timely respond** to this notice will result in:

**Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action; or

**Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Legal Instruments Examiner (LIE), if applicable /Wanda A. Brown/

Telephone No: (571) 272-6577